

**TOWN OF BUCHANAN  
ORDINANCE NO. 2024-05**

**AN ORDINANCE REPEALING AND REPLACING SECTION 203-2 FARM  
ANIMALS OF THE MUNICIPAL CODE OF THE TOWN OF BUCHANAN**

The Town Board of the Town of Buchanan does hereby ordain as follows:

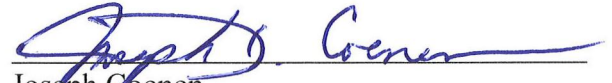
1. Section 203-2 Farm Animals of the Municipal Code of the Town of Buchanan is hereby repealed and replaced in its entirety as shown on the attached document:

If this conflicts with any section within the Town of Buchanan Municipal Code, this ordinance shall prevail.

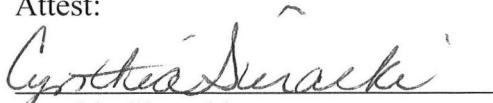
This Ordinance shall take effect upon passage and publication.

Adopted this 20th day of August 2024

**TOWN OF BUCHANAN:**

  
\_\_\_\_\_  
Joseph Coenen  
Town Chairperson

Attest:

  
\_\_\_\_\_  
Cynthia Sieracki  
Town Clerk/Treasurer

## Chapter 203. Animals Article I. General Provisions

### § 203-2. Farm animals.

- A. Statutory authority. Pursuant to § 60.22(3), Wis. Stats., the Town Board of the Town of Buchanan hereby regulates the keeping of farm animals in certain areas in the Town of Buchanan as described herein.
- B. Purpose. The purpose of this section is to regulate the keeping of farm animals within certain areas in the Town of Buchanan for the public interest, welfare and health.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### FARM ANIMALS

Pursuant to the definition of "livestock" in Wisconsin Statutes §95.51(1), bovine animals, equine animals, goats, poultry/fowl, sheep, swine, farm-raised deer, and any other kind of animal the Department of Agriculture identifies by rule. Farm animals shall also include other livestock or animals kept for profit, for hobby, for labor or for food or fiber which are not customary and usual house pet animals (dog, cat, etc.) maintained within the primary residential structure.

#### OWNER

Includes owner, owners, tenants, lessees and/or occupants.

- D. Restrictions on farm animals. No farm animal shall be raised, harbored, cared for or provided for on any parcel of land in the Town of Buchanan in the following areas:
  - (1) Within the boundaries of the Darboy Joint Sanitary District No. 1.
  - (2) Within any platted subdivision.
  - (3) Within all zoning districts except for the AGD General Agricultural District and the RR Rural Residential District.
  - (4) On any parcel of land less than three acres in size.
- E. Exceptions. Exceptions from the requirements of Subsection D are permitted if the following regulations are complied with.
  - (1) Horses/ponies:
    - a) If otherwise permitted in the section, one horse or pony shall be permitted on a parcel of land at least three acres or more in size zoned AGD General Agriculture or RR Rural Residential.
    - b) One additional horse or pony shall be permitted for each additional acre.
  - (2) Fowl on lots smaller than three (3) acres:
    - a) Definitions.
      - i. Fowl. The term "fowl" shall be used in this subsection and exclusively mean chicken or duck. The term fowl does not include roosters, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches, or the like.

- ii. Coops. A small enclosed structure where fowl are kept.
  - iii. Runs. An enclosed area, attached to a coop, in which fowl are allowed to run around and peck.
- b) Number. A maximum of eight (8) fowl shall be permitted per parcel.
- c) Location.
  - i. Fowl are permitted on parcels with an existing residential use zoned RR Rural Residential District, RSF Single Family Residential District, RTF Two-Family Residential District or RSTF Single and Two-Family Residential District. There are no minimum parcel size requirements.
  - ii. Fowl shall not be kept or maintained on a vacant parcel.
  - iii. Coops and runs are allowed only within rear yards/backyards of the house and have a minimum setback of 15 feet from property lines or 10 feet from the property lines if there is a privacy fence to screen the coop and run.
- d) Additional Requirements.
  - i. Fowl shall be kept in a coop/run and shall not be permitted to run at large and shall be considered a public nuisance if allowed to run at large. A building permit is required for the coop/run; the permit will also be used to verify the regulations have been met.
  - ii. The coop shall not exceed 80 square feet in area and 10 feet in height.
  - iii. The run shall not exceed 200 square feet in area and 10 feet in height.
  - iv. The coop and run shall consist of materials suitable for residential districts (use of scrap materials of any kind is prohibited) and shall be constructed to prevent fowl from escaping and predators from entering.
  - v. Coops and runs shall be cleaned regularly and food and water provided in order to ensure the fowl's health and minimize odor and other nuisances.
  - vi. Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds and predators.
  - vii. If fowl are removed/no longer kept on the property for more than 12 months, the coop/run shall be removed and property restored to its original condition.
- F. Registration. Property owners are required to register farm animals pursuant to Wisconsin Statute §95.51(2).
- G. Penalty. The Town of Buchanan does hereby determine that the keeping of said animals in the areas described in Subsection **D** above is a nuisance.<sup>1</sup> Any person violating this section shall be notified at the address shown on the address maintained by the Town of Buchanan for real estate tax purposes, by certified or registered mail or service, as provided in § 801.11, Wis. Stats., to remove the farm animal or animals within five days of the date of mailing or service. If the farm animal or animals are not removed within said period, upon conviction, the Town shall assess a penalty of \$50 plus costs and the cost of prosecution. Each day of violation shall be considered a separate offense. Further, the Town may proceed in the Circuit Court for Outagamie County to obtain an injunction removing said farm animal or animals. Upon the issuance of an order for removal of said farm animal or animals, the farm animal or animals may be removed, relocated or destroyed at the Town's sole

discretion, and the costs of removal, relocation and/or destruction shall be assessed upon the owner of the real estate on which the farm animal or animals were located. The Town of Buchanan shall further be entitled to collect all fees and costs, including attorneys' fees, incurred in enforcing this section.

[1] *Editor's Note: See also Ch. 404, Nuisances.*

H. Effect on preexisting animals.

- (1) Any farm animal or animals lawfully located on any parcel of land at the effective date of this section, which are not permitted by the provisions of this section, shall be permitted and deemed "grandfathered." However, such violation may not be expanded with additional farm animals, such that at no time shall the number of farm animals located on any such parcel exceed the number of farm animals located thereon at the effective date of this section.
- (2) When the owner of any parcel of land containing a farm animal or animals which have been permitted and grandfathered no longer has a farm animal or animals located thereon for six consecutive months or more, such parcel of land shall thereafter be required to comply with the requirements of this section.